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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB (LJC)

**DECLARATION OF KYLE SMITH
IN SUPPORT OF DEFENDANTS' PORTION
OF THE JOINT LETTER REGARDING
PULASKI KHERKHER PLAINTIFFS'
COMPLIANCE WITH NOVEMBER 18, 2024
PFS ORDER**

This Document Relates to:

T.T. v. Uber Technologies, Inc. et al., No.
3:24-cv-03004-CRB

T.C. v. Uber Technologies, Inc. et al., No.
3:24-cv-03956-CRB

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

1 *C.S. v. Uber Technologies, Inc. et al.*, No.
3:24-cv-06923-CRB

2
3 *B.S. v. Uber Technologies, Inc. et al.*, No.
3:24-cv-06948-CRB

4 *S.H. v. Uber Technologies, Inc. et al.*, No.
5 3:24-cv-07156-CRB

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DECLARATION OF KYLE SMITH

I, Kyle Smith, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of 18 and am a resident of Arlington, Virginia. I respectfully submit this declaration in support of Defendants Uber Technologies, Inc.'s, Rasier, LLC's, and Rasier-CA, LLC's (collectively, "Uber's") portion of the joint letter brief regarding certain Pulaski Kherkher, PLLC ("Pulaski Kherkher") Plaintiffs' compliance with the Court's November 18, 2024 Plaintiff Fact Sheet ("PFS") Order.

2. I am a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, representing Uber in this MDL as well as in Judicial Council Coordination Proceeding No. 5188, *In Re: Uber Rideshare Cases*, Case No. CJC-21-005188 (the "JCCP"). I am a member in good standing of the Bar of the District of Columbia Court of Appeals and the Bar of the State of New York Court of Appeals, Third Department. I make this declaration based upon matters within my own personal knowledge. If called as a witness, I could and would competently testify to the matters set forth herein.

3. Attached to this declaration as **Exhibit A** is a table identifying five Plaintiffs represented by Pulaski Kherkher who have failed to conform their PFS submissions with the Court's November 18, 2024 PFS Order. The Plaintiffs' non-compliance is identified in the table. The information in the column titled "Plaintiff's Response" was provided by Pulaski Kherkher.

4. Attached to this declaration as **Exhibit B** is a December 9, 2024 letter from Uber to Pulaski Kherkher identifying Plaintiffs represented by that firm who needed to amend their PFS productions to comply with the Court's November 18, 2024 PFS Order.

5. Exhibit B identifies Plaintiff T.T., No. 3:24-cv-03004, MDLC ID 1330, as failing to provide third-party contact information requested by Question 30.a. On December 18, 2024, Plaintiff submitted a third amended PFS that states that the information requested is unknown. The third amended PFS is not verified.

6. Uber emailed Pulaski Kherkher regarding the non-compliance of the Plaintiffs listed in Exhibit A on December 20, 2024 (Pacific Time). The parties met and conferred on

1 December 23, 2024. Following this meet and confer, the parties were unable to resolve the dispute
2 set out in the joint letter.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed on January 3, 2025, in Washington, D.C.

6 /s/ Kyle Smith
7 Kyle Smith
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